

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ALVERENE BUTLER,,

Plaintiff,

v.

**ALABAMA DEPARTMENT OF
TRANSPORTATION, *et al.*,**

Defendants.

CASE NO. 2:06-cv-00278-MEF-CSC

STATE OF ALABAMA

COUNTY OF MONTGOMERY

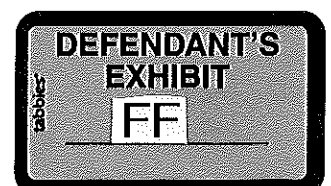
SECOND AFFIDAVIT OF MARK T. WAITS

Before me, the undersigned Notary Public in and for the State of Alabama at large, this day personally appeared Mark T. Waits, who being known to me and being by me first duly sworn, deposes and says on oath as follows:

“My name is Mark T. Waits. I am a resident of Pike County, Alabama, am over the age of nineteen years, and have personal knowledge of the facts set forth in this affidavit.

“I am employed by the Alabama Department of Transportation as a District Engineer. The Plaintiff was employed as an Engineering Assistant in my district. As District Engineer, I am involved with the filling of vacant positions in my district.

“I have reviewed the Plaintiff’s deposition, the Plaintiff’s Response, and the affidavit of Melvin Wynn. I have also reviewed records involving the filling of vacant Civil Engineer (renamed Transportation Technologist or ‘TT’) positions in my district. Wynn references two Civil Engineer/TT positions that ‘came open.’ One of those was purportedly filled by a ‘white male.’ The other was purportedly offered to Karen Stacey.



"I do not have sufficient information to investigate the assertion regarding the 'white male.' I have, however, reviewed the records regarding the position for which Ms. Stacey interviewed.

"All positions are assigned 'PCQ' numbers. The PCQ number is used to track activity regarding a particular position. The position for which Ms. Stacey interviewed was assigned PCQ number 1735788.

"Attached hereto as 'Attachment A' is the Certificate of Candidates received from the State Personnel Department for the position of Transportation Technologist, PCQ number 1735788.

" 'Attachment A' reflects that Karen Stacey was number two on the Certificate of Candidates. The column headed 'ACT' reflects the action taken with regard to Ms. Stacey. The action code is 'C' which means that she was considered for the position.

The eighth name on the Certificate of Candidates is that of Jeffery L. Hollingsworth. The 'ACT,' or action, column reflects an action code of 'A' which means that Mr. Hollingsworth was appointed to the position of Transportation Technologist, PCQ number 1735788 on May 14, 2005. The 'Race' column reflects a code of '2,' which means that Mr. Hollingsworth was of the black race.

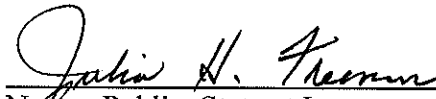
" 'Attachment A' does not contain the name of Alverene Butler. To the best of my knowledge, I have never received a Certificate of Candidates for the position of Civil Engineer/Transportation Technologist that contained Ms. Butler's name. In appointing individuals to fill the position of Civil Engineer/Transportation Technologist, my choices are

limited to the names appearing on a properly certified 'Certification of Candidates' as received from the State Personnel Department."



MARK T. WAITS

SWORN TO AND SUBSCRIBED before me on this the 5 day of
March, 2007.



Notary Public, State at Large

My Commission Expires 08-07

DATE
09/28/2004

CERTIFICATION OF CANDIDATES
Case 2:06-cv-00278-MEF-CSC Document 34-3 Filed 03/06/2007 Page 4 of 11
Personnel Department

CERTIFICATION NUMBER
040600048

CP 3/23/05

DEPARTMENT IDENTIFICATION (DEPT./DIV.) HWY TRANSPORTATION 6 6TH DIVISION - MONTGOMERY		CLASSIFICATION (CODE/TITLE) 20481 TRANSPORTATION TECHNOLOGIST		CLASS OPTION (CODE/TITLE) 438 CONSTRUCTION		PAGE 1			
REGISTER TYPE 1 CONTINUOUS OPEN-COMP	EMPLOYMENT TYPE 1 PERMANENT	COUNTY 51 MONTGOMERY	VACANCIES 3	RACE	AGE LIMIT	SEX	O/N TRAVEL N	SHIFT WORK 1	SALARY 1,041.50

METHOD OF CERTIFICATION 01 MERIT SYSTEM PLUS TIES	POSITION NUMBERS 1735787 1735788 2115300	SELECTIVE CERTIFICATION CODE <i>040600048R</i>
--	---	---

SSAN	NAME AND ADDRESS	RACE	V.P.	GRADE	ACT.	POSITION NO. OF APPT.	APPT. DATE
417279137	BECK STEVEN B 5262 SPRINGHILL ROAD BRANTLEY AL 36009	1		76.09	H		
4 907493	STACEY KAREN F 2191 MARSHALL RD WETUMPKA AL 36093	1		65.23	C		
424986013	MULLINS MICHAEL G 424 HERITAGE PARK GUIN AL 35563	1		43.04	F		
419086403	SMITH PETER J 401 BOYD RD SHORTER AL 36075	2		42.55	R		
253331522	FRANKLIN CHARLOTTE A 203 POND CREEK ROAD LUVERNE AL 36049	1		42.15	H		
416789188	LAMBERTH SYLVIA W P.O. BOX 325 GULF SHORES AL 36547	1		41.26	F		
420829035	ARNOLD GLENN E 1812 PRIER DRIVE MARION AL 36756	1		40.47	H		
422111660	HOLLINGSWORTH JEFFERY L 403 EAST 9TH STREET TUSCUMBIA AL 35674	2		38.25	A	1735788	5-14-05 #1330.90
417526315	SHANAHAN JOHN E JR 404 - 7044 HWY 49 S DADEVILLE AL 36853	1		37.84	C		
424173976	MCQUEEN MARLON R 5316 IRA LN MONTGOMERY AL 36108	2		37.38	L		
263397736	ENGLISH AUBREY L ROUTE 4 BOX 222-AA BREWTON AL 36426	1		37.21	L		

Promotion

Attachment A

CERTIFIED-PERSONNEL DIRECTOR	DATE CERTIFIED	CERTIFICATION RETURNED-APPOINTING AUTHORITY <i>Dom-1 m</i>	DATE RETURNED <i>4/28/05</i>
------------------------------	----------------	---	---------------------------------



Bob Riley
Governor

ALABAMA DEPARTMENT OF TRANSPORTATION

SIXTH DIVISION
OFFICE OF DIVISION ENGINEER
POST OFFICE BOX 8008
MONTGOMERY, ALABAMA 36110
Telephone: (334) 289-2311 FAX: (334) 283-2588



Joe McInnes
Transportation Director

September 30, 2004

Jeffery L. Hollingsworth
403 East 9th Street
Tusculum, AL 35674

Job Classification:	20481-Transportation Technologist -Const. Option
Biweekly Entrance Salary:	\$1041.50
Biweekly Salary Range:	\$1041.50 - \$1741.80
Location:	Montgomery County
Number of Vacancies:	3
Rank:	8

Dear Jeffery L. Hollingsworth:

Your name has been certified to us by the State Personnel Department for the classification shown above. You will note that we have indicated the entrance salary and salary range as well as the location of the position listed above. This is not an offer of appointment but is merely to determine your availability for employment consideration.

Please indicate your availability below and return this entire letter to Terri Hilyer, Division 6 within ten days of the date of this letter

Please check the statement that describes your situation.

If you indicate that you are available for appointment, include a current application or resume with this letter.

☒ I am available for appointment.

☐ I am not available, please remove my name from the list until further notice.

☐ I am not available now, but will be available _____ (date).

☐ I am not available at the location shown above but am available (list counties).

Address: City, State, Zip Code TUSCUMBIA, ALABAMA, 35674 403 EAST 9TH STREET

Telephone Numbers: Home (256) 694-0763 Work (256) 883-2970

Signature Jeffery Hollingsworth

Do you have any relatives, i.e., parents, spouse, sisters, brothers, cousins, in-laws, etc., currently employed by The Alabama Department of Transportation? ☐ YES ☒ NO

If you checked yes, please indicate the names of your relatives and their relationship to you:
(You may continue listing on the back of this letter if necessary).

Name of Relative:

Relationship to You:

Relative's Work Location:

The information regarding relatives is gathered only to ensure that a relative does not participate in the interview or selection process. Having a relative within the Department does not prevent you from being considered for or receiving an appointment.

Sincerely,

Terri C. Hilyer

Terri Hilyer
Transportation Office Mgr

1/13 @ 10:00



ALABAMA DEPARTMENT OF TRANSPORTATION

SIXTH DIVISION
OFFICE OF DIVISION ENGINEER
POST OFFICE BOX 8008
1525 Coliseum Boulevard
MONTGOMERY, ALABAMA 36110
TELEPHONE: (334) 269-2311
FAX: (334) 263-2599
April 14, 2005



Bob Riley
Governor

Joe McInnes
Transportation Director

Mr. Jeffery L. Hollingsworth
4029 Apt. 3
Hunter's Ridge Drive
Huntsville, AL 35802

Classification:	Trans. Tech. - Const.
Biweekly Entrance Salary:	\$1041.50
Salary Range:	\$1041.50 - \$1741.80
Location:	Montgomery County
Vacancies:	3
Rank:	8

Dear Mr. Hollingsworth:

You have been approved to go to work in the Alabama Department of Transportation's Sixth Division District Three Office, 608 Chisholm St., Montgomery, Alabama, as a Transportation Technologist. The starting salary will be \$1330.90 bi-weekly. The effective date of your appointment is May 14, 2005. You are scheduled to report to work on Monday, May 16, 2005, at 8:00 a.m. You will report to Mr. Mark Waits, District Engineer, at the above address.

You will serve in the Transportation Technologist classification on a probationary (trial) basis for a period of six months during which time your work habits and job responsibilities will be carefully observed. If, during the probationary period, your services are satisfactory, you will receive full merit system status at the end of the six months.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Estes", written over a horizontal line.

Randall A. Estes, P. E.
Division Engineer

RAE/TCH
pc: File

04/15/2002 12:19 DOTDIU DIST 2 + 13342421110

NO. 798 002

Form 3 - Revised November 2000

DO NOT WRITE IN THIS SPACE

APPLICATION FOR EXAMINATION

General Instructions

A separate application is required for each job. Do not write in shaded areas. Complete all parts of the application. Applications not properly completed will be returned. Photocopied and facsimile applications will be accepted.

RECEIVED

RETURN TO: STATE OF ALABAMA

PERSONNEL DEPARTMENT

4 NORTH UNION STREET

PO BOX 304100

MONTGOMERY, ALABAMA 36130-4100

AN EQUAL OPPORTUNITY EMPLOYER

APR 2002

P.E.E.D. Bureau

AL. D.O.T.

Received

PERSONNEL DEPARTMENT
STATE OF ALABAMA

ENTER SOCIAL SECURITY NUMBER BELOW.

4 2 2 - 1 1 - 1 6 6 0

Examination For Which You Are Applying (one per application)

CIVIL ENGINEER

20480

438

Option (if applicable)

Full Name

JEFFERY

LORENZO

HOLLINGSWORTH

Address

First

Middle

Last

1582 John Wesley Way Apt. 21

House or Apartment Number

Street

Huntsville

AL

Madison

45

35816

City

State

County

Zip Code

Telephone Number: Home

(256) 726-0255

Work

(256) 837-0111

Area Code

Area Code

The following information is required for governmental reporting or recordkeeping purposes:

Date of Birth

11

17

67

(Month)

(Day)

(Year)

Sex (check one)

1.

() Male

2.

() Female

Race (check one)

1. () White

2. () Black

3. () Hispanic

4. () Asian or Pacific Islander

5. () American Indian or Alaskan Native

6. ()

Other

EDUCATION:

CIRCLE OR BRACKET THE HIGHEST GRADE OF SCHOOL COMPLETED.

High School Diploma or GED? ☒ Yes ☐ No

1 2 3 4 5 6 7 8 9 10 11 12 College 1 2 3 4

ED

13

LC

PROVIDE INFORMATION ON ALL SCHOOLS ATTENDED. SPECIFY UNDERGRADUATE OR GRADUATE WORK.

Name and Location of School

Dates of Attendance

Month/Year

From

To

Credit

Hours

Sem.

Qu.

Did You

Graduate?

Yes

No

Type of Degree

and Date

Major

PROFESSIONAL LICENSE OR CERTIFICATE

License/Certificate Issued By

Field/Trade/Specialization

License/Certificate No.

Issue Date

Expiration Date

LIST COURSES (AND HOURS) WHICH ARE PARTICULARLY RELATED TO THE POSITION (attach additional sheets, if needed).

CERTIFICATION STATEMENT

I certify that all statements on or attached to this application are true and correct to the best of my knowledge. I know that any false statements may cause me to be denied the chance for testing, to be removed from an employment register, or to be released from employment. I will not discuss the test I have taken. I further authorize the release of all relevant prior employment, military service, academic/school and criminal records. If employed I agree, consistent with applicable laws, to receive compensatory time off in lieu of overtime compensation for any overtime hours worked.

Signature

Jeffery Hollingsworth

Date

4/15/02

During the application process, including testing and employment consideration, your name may be removed from an employment register for any disqualifying reason.

04/15/2002 12:19 DOTDIU 1 DIST 2 + 13342421110

NO. 798 003

SOCIAL SECURITY NUMBER : 422-11-1660

List three reliable persons, not relatives or present employer, who know you well enough to give information about you.		
NAME	ADDRESS AND PHONE NUMBER	EMPLOYER

Should you need testing accommodations due to a health problem or disability, you must contact the State Personnel Department.

Have you ever been involuntarily terminated, discharged, forced or asked to resign from any job? () Yes (☒) No

If you answered Yes to the above question, attach an explanation on a separate sheet noting any mitigating or extenuating circumstances.

Have you ever been convicted of a misdemeanor or felony crime? () Yes (☒) No

If you answered Yes to the above question, list in the space below all prior misdemeanor and felony convictions and any extenuating or mitigating circumstances regarding such convictions. If necessary, you may use a separate sheet or sheets and attach to application.

NOTE: A CRIMINAL CONVICTION WILL NOT NECESSARILY BE A BAR TO CONSIDERATION FOR EMPLOYMENT, EXCEPT THAT A FELONY CONVICTION WILL BAR EMPLOYMENT IN A LAW ENFORCEMENT JOB; THE DISCLOSURE OF A MISDEMEANOR CONVICTION WILL NOT AUTOMATICALLY RESULT IN DISQUALIFICATION. CRIMINAL HISTORIES WILL BE SUBMITTED TO THE NATIONAL CRIME INFORMATION CENTER (NCIC) FOR VERIFICATION. FAILURE TO DISCLOSE A CONVICTION MAY BE CONSIDERED AS GROUNDS FOR DISQUALIFICATION. FOR THESE REASONS, APPLICANTS SHOULD BE CAREFUL TO DISCLOSE ALL CRIMINAL CONVICTIONS.

WORK HISTORY

THIS SECTION MUST BE COMPLETED REGARDLESS OF WHETHER OR NOT A RESUME IS ATTACHED.

Begin with your PRESENT or most recent employment. List in REVERSE ORDER periods of employment. Each time you changed jobs or your title changed should be listed as a separate period. Describe in detail your duties. (Attach additional sheets if needed.)

1. Current or Last Employer <u>ALDOT</u>					Your Official Job Title <u>SEA</u>		
Address					Type of Business		
FROM Month <u>01</u>	Year <u>89</u>	TO Month <u>PRESENT</u>	Year	Total Months <u>1546</u>	Number of Hours Per Week	Beginning Salary \$ _____ Per _____	Ending Salary \$ _____ Per _____
Number/Title of Employees You Supervised On a Continuing Basis					May we contact your employer? (<input checked="" type="checkbox"/>) Yes () No		
Name, Title and Telephone Number of Supervisor					Equipment You Operated		
Reason for Leaving							
Describe Your Duties in Detail							
<u>AVAILABLE UPON REQUEST</u>							

04/15/2002 12:19 DOTDIU 1 DIST 2 + 13342421110

NO. 798 004

SOCIAL SECURITY NUMBER : 422.11.1660

2. Employer					Your Official Job Title		
Address					Type of Business		
FROM Month Year	TO Month Year	Total Months	Number of Hours Per Week	Beginning Salary \$ Per	Ending Salary \$ Per	May we contact your employer? () Yes () No	
Number/Title of Employees You Supervised On a Continuing Basis				Equipment You Operated			
Name, Title and Telephone Number of Supervisor				Reason for Leaving			
Describe Your Duties in Detail							

3. Employer					Your Official Job Title		
Address					Type of Business		
FROM Month Year	TO Month Year	Total Months	Number of Hours Per Week	Beginning Salary \$ Per	Ending Salary \$ Per	May we contact your employer? () Yes () No	
Number/Title of Employees You Supervised On a Continuing Basis				Equipment You Operated			
Name, Title and Telephone Number of Supervisor				Reason for Leaving			
Describe Your Duties in Detail							

4. Employer					Your Official Job Title		
Address					Type of Business		
FROM Month Year	TO Month Year	Total Months	Number of Hours Per Week	Beginning Salary \$ Per	Ending Salary \$ Per	May we contact your employer? () Yes () No	
Number/Title of Employees You Supervised On a Continuing Basis				Equipment You Operated			
Name, Title and Telephone Number of Supervisor				Reason for Leaving			
Describe Your Duties in Detail							

5. USING THE ABOVE FORMAT, SHOW OTHER EXPERIENCE BY USING ADDITIONAL SHEETS.

04/15/2002 12:19 DOTDIV 1 DIST 2 → 13342421110

NO. 798 005

SOCIAL SECURITY NUMBER:

422-11-1650

COMPLETE THIS SECTION IF YOU ARE CLAIMING VETERAN'S PREFERENCE

- If you claim Veteran's Preference, check the type below. Attach copies (which will not be returned) of the required documents to your application to support your claim.
- 1 () Veteran (5 points) - Requires DD214 or document showing dates of service and type of discharge. If this has been submitted previously and is on file with this office, you may disregard this requirement.
 - 2 () Disabled Veteran (10 points) - Requires DD214 or other document as above and letter of disability from V.A. dated within last 6 months. V.A. letter must be kept updated until register is established or you lose the extra 5 points.
 - 3 () Deceased Veteran's spouse (10 points) - Requires DD214 or other document as above and marriage and death certificates. Cannot be claimed if spouse remarries.
 - 4 () Disabled Veteran's spouse (10 points) - Requires DD214 or other document as above and V.A. letter of disability dated within last 6 months. Cannot be claimed unless still married to disabled veteran.
 - 5 () Permanently Disabled Veteran (10 points) - Requires DD214 or other document as above indicating veteran is permanently disabled or DD214 or other document and V.A. letter indicating permanent disability.

COMPLETE THIS SECTION IN ORDER TO BE SCHEDULED FOR WRITTEN EXAMS

Written exams will be given in the places below for which a sufficient number of applicants express preference. Indicate by number your 1st, 2nd and 3rd choices.

- | | | | | | |
|----------------------|------------------|--------------------|--------------|------------------|-------------------|
| 1 () Alexander City | 3 () Birmingham | 5 () Dothan | 7 () Linden | 9 () Montgomery | 12 () Tuscaloosa |
| 2 () Andalusia | 4 () Decatur | 6 () Jacksonville | 8 () Mobile | 10 () Selma | |

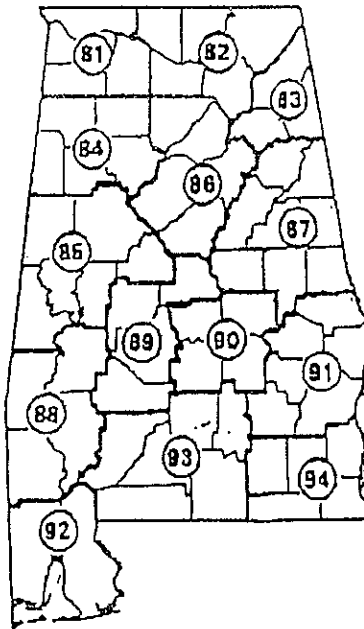
If you qualify, you will receive a notice showing the place and time you are to report for the exam.

Where did you learn of this job? (check all that apply)

- | | | | |
|---------------------------------------|-------------------------------|--|----------------------------|
| 1 () State Employment Service | 5 () Friend/Relative | 9 () Legislative Representative | 13 () TV/Radio Commercial |
| 2 () Job Announcement Notice | 6 () Dept. News Bulletin | 10 () State Recruiter/Counselor | 14 () Other |
| 3 () Newspaper | 7 () Rehabilitation Services | 11 () State Personnel Dept. Information Board | |
| 4 () College Placement/Career Office | 8 () High School Counselor | 12 () Outreach Program (i.e. Church) | |

AVAILABILITY

- | | | | | |
|--|---|--|---|--|
| 81 - Northwest Alabama
17 Colbert
30 Franklin
39 Lauderdale
40 Lawrence | 84 - Jasper
Winfield Area
29 Fayette
38 Lamar
47 Marion
64 Walker
67 Winston | 87 - East Central Alabama
08 Calhoun
09 Chambers
14 Clay
15 Cleburne
19 Coosa
56 Randolph
61 Talladega
62 Tallapoosa | 90 - Montgomery Area
01 Autauga
26 Elmore
43 Lowndes
51 Montgomery | 93 - South Central Alabama
07 Butler
18 Conecuh
20 Covington
21 Crenshaw
27 Escambia
50 Monroe |
| 82 - Huntsville/
Decatur Area
36 Jackson
42 Limestone
45 Madison
48 Marshall
52 Morgan | 85 - Tuscaloosa Area
04 Bibb
32 Greene
33 Hale
54 Pickens
60 Sumter
63 Tuscaloosa | 88 - Southwest Alabama
12 Choctaw
13 Clarke
46 Marengo
65 Washington | 91 - Phenix City/
Troy Area
03 Barbour
06 Bullock
41 Lee
44 Macon
55 Pike
57 Russell | 94 - Dothan Area
16 Coffee
23 Dale
31 Geneva
34 Henry
35 Houston |
| 83 - Northeast Alabama
10 Cherokee
25 DeKalb
28 Etowah | 86 - Birmingham Area
05 Blount
22 Cullman
37 Jefferson
58 Shelby
59 St. Clair | 89 - Selma/Clanton Area
11 Chilton
24 Dallas
53 Perry
66 Wilcox | 92 - Mobile Area
02 Baldwin
49 Mobile | 95 - Statewide
(You will be considered for vacancies throughout the state. Relocation may be necessary) |



Please answer the following questions with care. List in the spaces provided those areas of the state in which you would accept employment. You will be considered for employment only in the locations you indicate. You may choose a combination of up to three counties and/or regions from the list above. If you list a region, you will be considered available for all counties in that region. The counties in each region are listed alphabetically below the region. You will not be considered for jobs involving overnight travel or shift work unless you so indicate.

List the numbers of up to 3 counties and/or regions where you are willing to work

82 90 86

If you want to be considered for appointment by only certain state agencies, indicate here

DOT

Will you accept work involving overnight travel? (4) Yes () No

Will you accept part-time work? () Yes (X) No

Will you accept temporary work? () Yes (X) No

Which shifts are you willing to work? 0. () all shifts 1. () 1st only 2. () 2nd only 3. () 3rd only 4. () 1st and 2nd only 5. () 1st & 3rd only 6. () 2nd & 3rd only

Enter the earliest date you will be available to interview for employment. (Your name will not appear on a list of eligibles until this date.)

04 15 02
Month Day Year